



**CITY OF HAYWARD
AGENDA REPORT**

Meeting Date 3/28/01
Agenda Item 2

TO: Planning Commission

FROM: Arlynne J. Camire, AICP, Associate Planner

SUBJECT: Use Permit No. PL-2001-0447 – Eddy Reyes (Applicant)/Jesus Magallanes (Owner) – Request to Operate a Tattoo Parlor

The Property is Located at 353 West Tennyson Road in the Neighborhood Commercial (CN) Zoning District

RECOMMENDATION:

Staff recommends that the Planning Commission find that this project is categorically exempt from review under the California Environmental Quality Act (CEQA) and approve the use permit subject to the attached findings and conditions.

BACKGROUND:

Setting

The applicant proposes a tattoo parlor in an existing 2,774-square-foot, one-story four-tenant commercial building. American Comics, a flower shop and a hair salon also occupy the small commercial center. A 40-unit condominium complex is located immediately to the east, which faces Huntwood Avenue, and the property to the west, at Manon Avenue, contains a 7-11 convenience store. Twisted Illusions, an establishment offering tattooing and body-piercing along with retail merchandise including clothing and jewelry, is located at 555 West Tennyson Road, approximately 550 feet to the west.

The center has 5 parking spaces to serve the 4 tenants. The addition of a tattoo parlor is expected to generate very few vehicle trips and does not create noise. The operation is not anticipated to impact the surrounding neighborhood. There is a non-conforming roof sign that will be removed as required by a condition of approval. The property owner will be required to submit a sign program for the center prior to the issuance of any new sign permits.

Project Description

Mr. Reyes will be the sole operator of the tattoo parlor; no others will be employed. He has worked for Vision Tattoos in San Jose for 6 years.

The proposed hours of operation are from 12:30 pm to 10:00 pm Tuesday through Saturday, by appointment only. The applicant expects to serve an average of 3 customers daily. The applicant will require all customers to verify that they are 18 years of age or older.

The Police Department has not received calls for service at the existing tattoo parlor, located 2 blocks to the west. The Police Department states that it does not have a problem with a new tattoo parlor operating in the same vicinity but has requested the removal of the 2 public telephones located on the property adjacent to the sidewalk.

Conformance to the Neighborhood Plan and Zoning Ordinance

The General Policies Plan Map designates this property as *Retail and Office Commercial* (ROC). This designation is used to indicate areas where office and retail uses are encouraged. The Harder-Tennyson Neighborhood Plan encourages land use and site development along Tennyson Road that better serves residents of the area. The proposed use meets the criteria as described in the neighborhood plan and the General Plan.

A tattoo parlor is listed as a conditional use in the Neighborhood Commercial District. Conditional approval is required to assure that this use is permitted where there is a community need, to assure that the use is harmony with the area, and is in accordance with City policies. Staff is of the opinion that the tattoo parlor will provide a service that will be used by the residents of Hayward. In addition, the tattoo parlor is compatible with the uses in the commercial center, the surrounding commercial uses as well as the surrounding neighborhood. All conditions of approval are required to be completed before occupancy or onset of business. This will assure that the operation of the tattoo parlor will be compatible.

In addition, it is staff's opinion that the distance between Twisted Illusions and the proposed tattoo parlor should not be an issue as the separation is greater than that typically required (500 feet) for other types of sensitive uses, such as alcoholic beverage outlets.

ENVIRONMENTAL REVIEW:

The project is exempt from environmental review as defined by the California Environmental Quality Act (CEQA) Guidelines Section 15301, Class 1, Existing Facilities.

PUBLIC NOTICE:

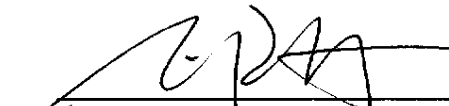
On December 1, 2001, a Referral Notice was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Notice was also provided to the Harder-Tennyson and the Tennyson-Alquire Neighborhood Plan Task Forces members. Staff received one call in support from a couple that reside in the neighborhood and who would use the service, and one call in opposition from a resident who resides in the condominiums adjacent to the project who felt that the tattoo parlor would bring the wrong type of people into the neighborhood.

On March 18, 2002, a Notice of Public Hearing for the Planning Commission meeting was mailed. Staff received similar calls and one email in opposition.


CONCLUSION:

The use is compatible with the General Plan and the Harder-Tennyson Neighborhood Plan. It will generate few vehicle trips and will not create noise. It is the opinion of staff that it will have little or no impact on the adjacent commercial establishments or residential properties.

Prepared by:

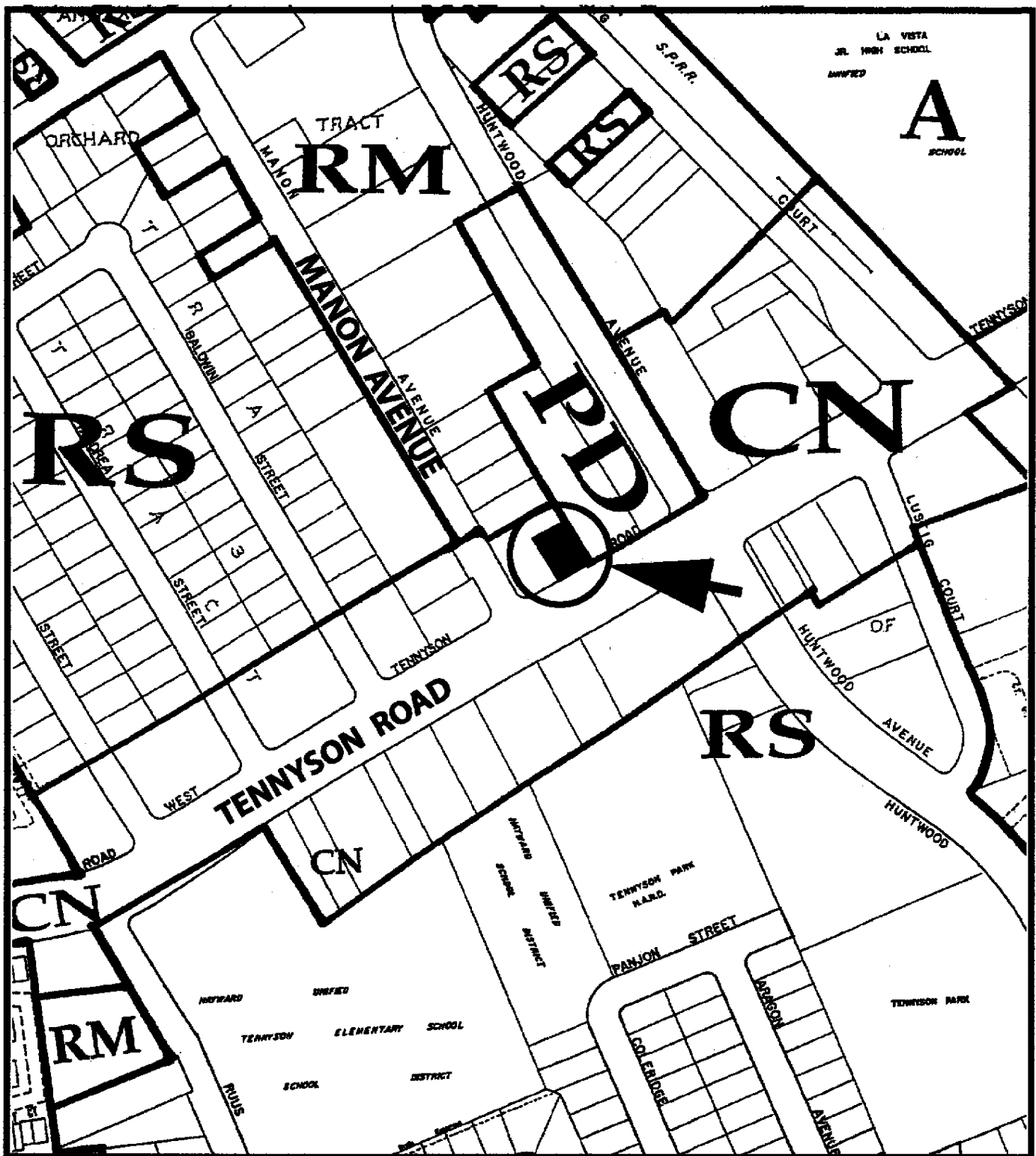

Arlynne J. Camire, AICP
Associate Planner

Recommended by:


Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Area & Zoning Map
- B. Site Plan
- C. Floor Plan
- D. Site Photo
- E. Email in Opposition dated March 19, 2002
- F. Findings for Approval for Use Permit.
- G. Conditions for Approval for Use Permit



Area & Zoning Map

PL-2001-0447 UP

Address: 353 West Tennyson Road

Applicant: Eddy Reyes

Owner: Jesus Magallanes

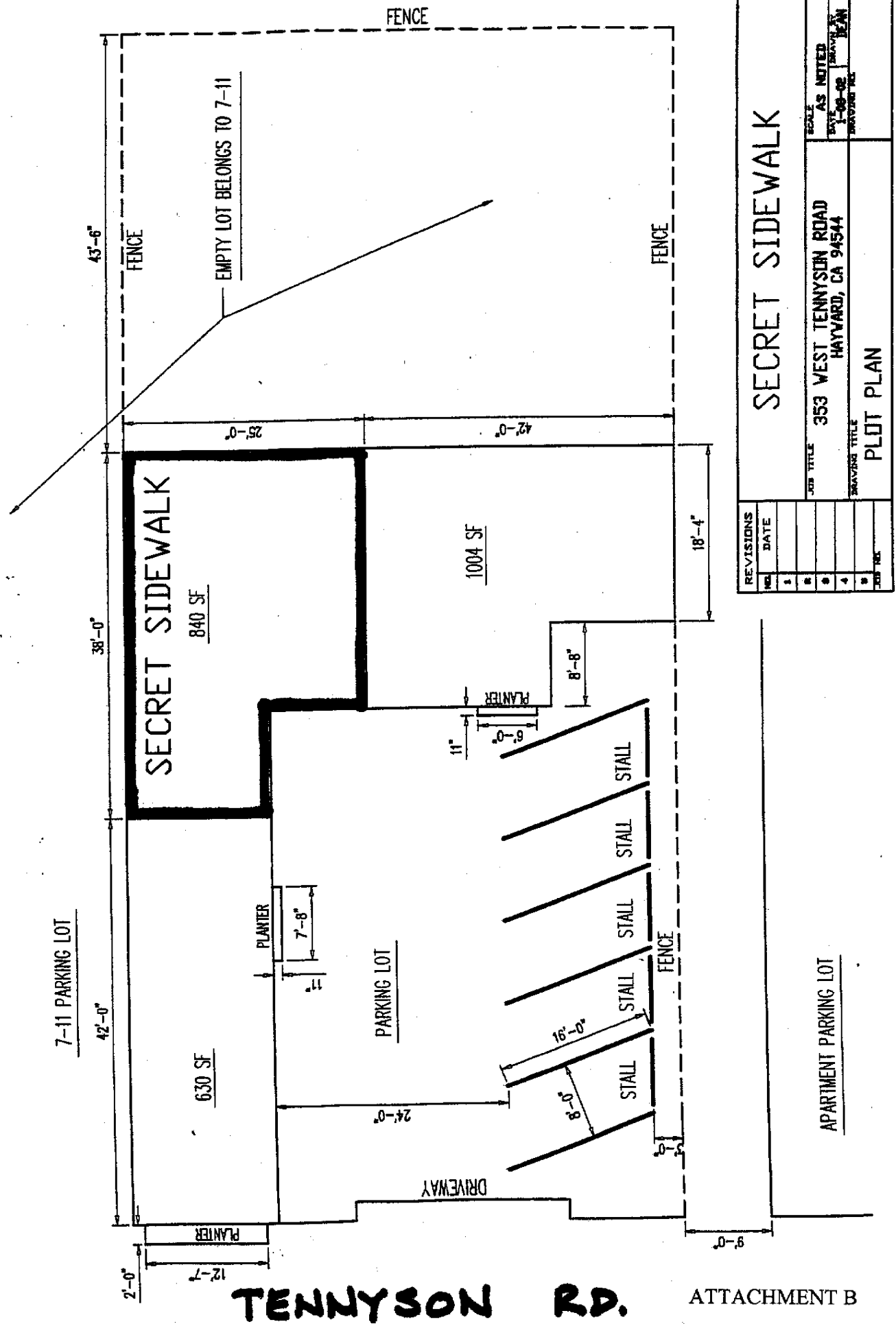
A-Agricultural

RS-Single-Family Residential

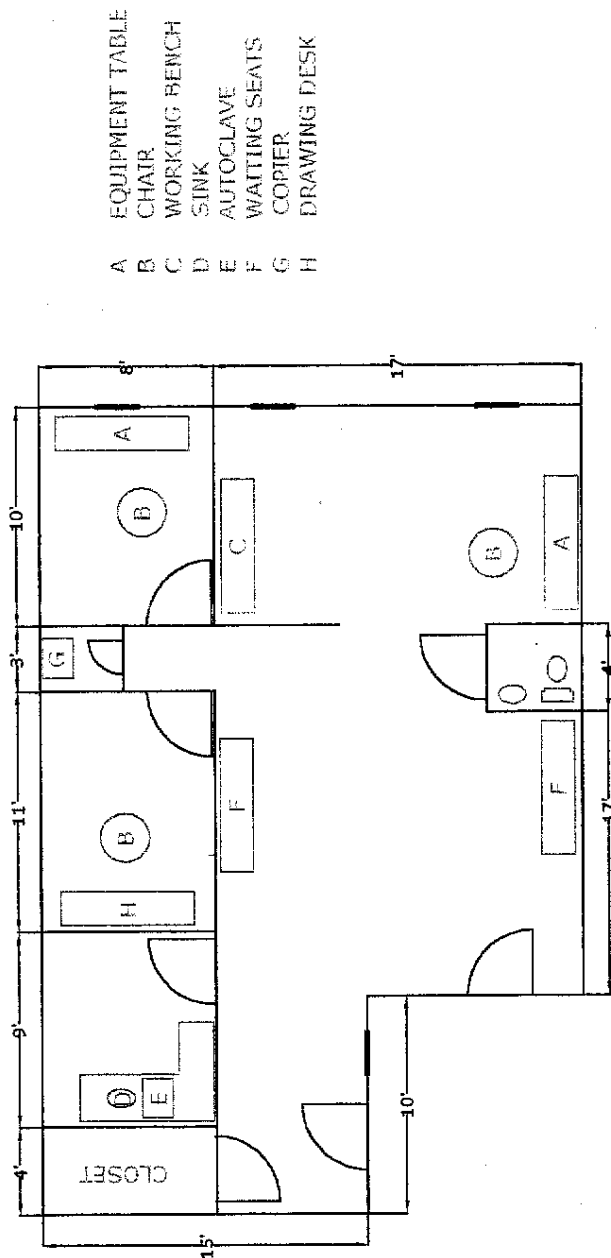
RM-Medium Density Residential

CN-Neighborhood Commercial

PD-Planned Development



REVISIONS			
ZONE	REV	DESCRIPTION	DATE
			APPROVED



SECRET SIDEWALK			
353 WEST TENNYSON ROAD HAYWARD, CA. 94544			
SIZE A	FSCM NO.	DWG NO. SP 011113A	REV
SCALE 1/8" = 1'		D. DAVENPORT	SHEET



ATTACHMENT D

From: WAT018@aol.com
To: Arlynn Camire
Date: Tue, Mar 19, 2002 4:01 PM
Subject: Tattoo Parlor

I and many others I have talked to, Don't believe we need another tattoo parlor in Hayward. The big one on Jackson Street should be sufficient. It seems to me the county is spending big bucks to have the tattoos removed from passed gang bangers. We have enough trouble in south Hayward without adding another trouble spot. Your site map shows the location at the Superway Shopping Center. I believe it is west of Huntwood.

Don McVicker
28449 Pacific St.
Hayward, CA 94544
582-3129

ATTACHMENT E

FINDINGS FOR APPROVAL
Use Permit Application No. PL-2001-0447
Eddy Reyes (Applicant)
Jesus Magallanes (Owner)
353 West Tennyson Road

1. The proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15301, *Existing Facilities*.
2. The tattoo parlor is desirable for the public convenience or welfare in that residents and customers with special cosmetic and skin decoration needs will be accommodated.
3. The tattoo parlor will not impair the character and integrity of the adjacent residential and commercial zoning districts in that the use will generate few vehicle trips per day and the building is small in area and can accommodate few customers at one time.
4. The tattoo parlor will not be detrimental to the public health, safety, or general welfare in that a qualified tattoo artist who will observe sanitary and safe practices will operate the business.
5. The tattoo parlor will be in harmony with applicable City policies of the Harder-Tennyson Neighborhood Plan and the General Plan in that retail uses are encouraged within this section of Tennyson Road.

CONDITIONS OF APPROVAL
Use Permit Application No. PL-2001-0447
Eddy Reyes (Applicant)
Jesus Magallanes (Owner)
353 West Tennyson Road

1. Use Permit Application No. PL-2001-0447 is approved subject to the conditions listed below. This approval is void one year after the effective date of approval unless prior to that time an extension is approved. Any modification to this permit shall require review and approval by the Planning Director. All conditions shall be met prior to the issuance of a business license. A request for a one-year extension-of-time, approval of which is not guaranteed, must be submitted to the Planning Division at least 30 days prior March 18, 2003.
2. The tattoo parlor shall observe appropriate sanitary practices include proper disposal of materials used during the tattoo process. In addition, the tattoo artist is required to meet all of the requirements of the County of Alameda Environmental Health Department, including registration as a tattoo artist.
3. The property owner shall remove the roof sign and submit a master sign program for the retail center. All wall signs require a permit prior to installation. Window signs shall not cover more than 25% of each window. The master sign program shall meet Sign Ordinance standards and be approved by the Planning Director.
4. The property owner and applicant shall maintain in good repair all building exteriors, walls, lighting, drainage facilities, landscaping, driveways and parking areas. The premises shall be kept clean and free of weeds. Any graffiti painted on the property shall be painted out or removed within seven days of occurrence.
5. The business hours shall be 12:30 pm to 10:00 pm. If the applicant wishes to extend business hours, the Planning Director shall review and approve any changes.
6. The fence on the east side of the parking lot shall be repaired and painted by the property owner.
7. The roof-mounted light fixtures shall be replaced by decorative light fixtures that maintain an average level of light of one foot-candle in the parking lot. The design of the fixtures shall be approved by the Planning Director prior to installation.
8. The property owner shall install landscaping in all planters and in the parkway. The planters shall be repaired. A landscape and irrigation plan shall be submitted for the review and approval by the City Landscape Architect prior to installation.
9. Utility meters shall be screened to the satisfaction of the Planning Director.
10. The asphalt within parking and circulation areas shall be repaired or replaced as determined by the City Engineer.

11. The red curb shall be repainted to the satisfaction of the Streets Maintenance Supervisor.
12. The two public phones located adjacent to the public right-of-way shall be removed as requested by the Police Department prior to commencement of business.
13. Violation of these conditions is cause for revocation of permit, after a public hearing before the duly authorized review body.